

October 9, 2013

Shawn Musgrave

Muckrock

1840-78056595@requests.muckrock.com

Re: Public Records Request

Dear Mr. Musgrave,

You have requested documents in the possession, custody or control of the Boston Police Department under the Freedom of Information Act (FOIA). Specifically, you requested:

All records relating to acquisition of cell phone location records. This request encompasses records regarding real-time tracking and records regarding where cell phones have been in the past, and it encompasses all available methods of locating cell phones, including "cell site," triangulation, and GPS. This request includes but is not limited to the following records: (a) Policies, procedures and practices you follow to obtain cell phone location records; (b) Data retention policies, detailing how long cell phone location records are kept, databases in which they are placed, and agencies (federal, state and local) with which they are shared; (c) The use of cell phone location records to identify "communities of interest" (detailing those persons who have been called, or called by a target) in investigations; (d) The use of cell phone location records to identify all of the cell phones at a particular location; (e) Use of "digital fences" (systems whereby BPD receives a notification whenever a cell phone comes within a specific geographic area); (f) The legal standard (e.g. probable cause, relevance) applicable to obtaining cell phone location records; (g) Judicial decisions and orders ruling on applications to obtain cell phone location records; (h) Statistics regarding your use of cell phone location records, including the number of emergency requests for which no court order was obtained; (i) The form in which cell location records are provided (e.g. hard copy, or through online databases); (j) Communications with cell phone companies and providers of location-based services regarding cell phone location records, including: -company manuals, pricing, and data access policies; -invoices reflecting payments for obtaining cell phone location records; -instances in which cell phone companies have refused to comply with a request or order.

In response to your request, a search of records was performed and the Department does not have any documents in its possession, custody or control that are responsive to your request.

Sincerely,

Cheryl Fiandaca
Bureau of Public Information
Boston Police Department
617-343-4520
www.bpdnews.com